

SENATE CHAMBER,
November 5, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journals of Saturday read and adopted.

Senator Record, Chairman of Judiciary Committee, reports and recommends the adoption and passage of an accompanying substitute, in lieu of an original bill entitled "An Act supplemental to and amendatory of an act passed the 11th of February, 1854, Art. 266, Part IV, regulating the pay of Chief Justices and County Commissioners."

Senator Blount made the following report :

Hon. G. W. Jones, President of the Senate :

The Committee on Printing, to whom was referred House bill making provision for the translation and printing of certain general laws into the Spanish and German languages, having duly considered the same, instruct me to report the same back to the Senate, recommending the adoption of the following amendment, and when so amended, they recommend the passage of the bill :

Amend second section by striking out "two," in first line, and insert "one."

J. W. BLOUNT, One of Committee.

Senator Stell, Chairman of Committee on State Affairs, reports and recommends the passage of a bill to incorporate the Houston Dramatic Association.

Also, reports and recommends the passage of a bill to incorporate the Galveston Dramatic Association.

Also, reports and recommends the passage of a bill entitled "An Act amendatory of an act entitled an act for the incorporation of the town of Liberty," approved June 7th, 1837.

Also, reports and recommends the passage of a bill entitled "An Act amending the charter of the city of Indianola and enlarging the boundaries of said city."

Also reports :

Hon. G. W. Jones, President of the Senate :

The Committee on State Affairs, to whom was referred a resolution, making an appropriation for the purpose of having the "Alamo Monument" repaired, and a substantial iron railing placed around the same, for its protection, have considered the same, and I am instructed to say, that the Alamo Monument is one of the sacred treasures of the State, and should be, at any expense, preserved and protected ; but that, in consideration of the fact that the State has now on the Capitol grounds a large amount of both iron and copper, that in addition thereto, three hundred

dollars will be sufficient to meet all the expenses, and therefore recommend that the figure "5," in eighth line, be stricken out, and the figure "3" inserted, and further that there be added to said resolution, "That said secretary be authorized to use so much of the iron and copper, the property of the State, as may be necessary, in building the iron railing herein contemplated, and when so amended, recommend its passage.

J. W. STELL, Chairman.

Senator Voigt made the following report :

COMMITTEE ROOM, }
Nov. 4, 1866. }

Hon. G. W. Jones, President of the Senate:

The Committee on Enrolled Bills have examined the following bills, to-wit :

"An Act to permit former owners of land sold for taxes, prior to the 28th day of January, 1861, and purchased by the State, to redeem the same."

"An Act supplementary to an act entitled an act to incorporate the San Antonio Ice Company."

"An Act concerning disorganized counties."

"An Act supplemental to and amendatory of an act to incorporate Colorado College."

"An Act to prohibit the sale of ardent or spirituous liquors within five miles of Oakland College, Johnson county, except for medicinal purposes."

"An Act to prevent certain property from forced sale," and find the same correctly enrolled and properly signed, and have presented the same to the Governor for his approval.

F. VOIGT, One of Com. on Enrolled Bills.

COMMITTEE ROOM, }
November, 1866. }

Hon. G. W. Jones, President of Senate :

The Committee on Enrolled Bills have examined the following, viz :

"An Act to incorporate the Waco Tap Railroad Company."

"An Act to incorporate the Texas Overland Transportation Company."

"An Act to authorize guardians and administrators to compound bad and doubtful debts in certain cases," and find the same properly enrolled and correctly certified and signed, and have presented the same to the Governor for his approval.

Respectfully submitted.

F. VOIGT,

One of Committee on Enrolled Bills.

A message was received from the House announcing the pas-

sage of the following bills, which, upon motion of Senator Guinn, were taken up and referred as indicated :

House bill amendatory of "An Act to establish the University of Texas," approved February 11th, 1858.

Read first time and referred to Committee on Education.

House bill to incorporate the Harris County Manufacturing Company.

Read first time and referred to Committee on Commerce and Manufactures.

House bill to provide for convict labor on works of public utility.

Read first time and referred to Committee on State Affairs.

House bill supplemental to and amendatory of "An Act entitled an act to establish a Penal Code for the State of Texas."

Read first time and referred to Judiciary Committee.

The message also announced the passage of the following Senate bills :

Senate bill to incorporate the Corpus Christi Canal Company, with amendments by the House.

Senate bill amendatory of and supplemental to "An Act to adopt and establish a Penal Code for the State of Texas."

Senate bill to confer the office of Librarian upon clerks of the Supreme Court.

The message also announced the following :

The House has refused to concur in the Senate amendments to the House bill incorporating the New Braunfels Manufacturing Company, and has appointed Messrs. Dunn, Murchison and Gaston a Committee of Conference, and ask that the Senate appoint a like committee.

Also, has disagreed to amendments of the Senate on a bill to amend "An act to authorize the Governor to appoint an agent for the Alabama and Coshattie Indians," and has appointed as a Committee of Conference Messrs. Trowell, Doom and Durst, and ask that the Senate appoint a similar committee.

Senator Reed introduced a bill to incorporate the Kemper City and Indianola Canal Company.

Read first time, and referred to Committee on Internal Improvements.

Senator Guinn introduced a bill to amend article 529 of "An act to adopt and establish a Penal Code for the State of Texas," approved August 26th, 1866.

Read first time; rule suspended, read second time, and ordered to be engrossed; rule further suspended, read third time and passed.

Senator Foscue offered the following resolution:

Resolved, That the Committee on the Judiciary inquire into the propriety of defining in the Criminal Code the offence of fornication.

Resolution adopted.

Upon motion of Senator Guinn, a committee of three was raised on part of the Senate to confer with a like committee on part of the House upon the disagreement of the two Houses upon a bill fixing salaries of State officers.

The Chair announced the following as the committee on part of the Senate:

Senators Guinn, Beyd and Dalrymple.

Upon motion of Senator Record, Senator Shelley was added to the select committee to whom was referred the special message of His Excellency the Governor, respecting the rights of freedmen.

Upon motion of Senator Guinn, House bill entitled "An act of limitation of suits against all persons for certain acts done, and payments made, during the late war," was taken up, read first time, and referred to Judiciary Committee.

Upon motion of Senator Voigt, the Senate concurred in the House amendments to a Senate bill for the relief of the heirs of James T. White, deceased.

Upon motion of Senator Neyland, a committee of two was raised to confer with a like committee on the part of the House upon the disagreement of the two Houses on a bill authorizing the Governor to appoint an agent for the Alabama and Coshattie Indians.

The Chair announced Senators Neyland and Shannon as the Committee.

Upon motion of Senator Shelley, rule was suspended, and a bill to incorporate the Capital Petroleum Company, was taken up; the amendments recommended by the Committee on Commerce and Manufactures, adopted.

Bill read second time, and passed to a third reading; rule further suspended, read third time, and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Bumpass, Burney, Cooley, Coppedge, Guinn, Jowers, Knox, Littleton, McDade, Neyland, Parker, Record, Reed, Saufley, Selman, Shannon, Shelley, Stell, Truitt, Voigt and Yarbrow—23.

NAYS—None.

Upon motion of Senator Littleton, the Senate concurred in

House amendments to a bill to incorporate the Corpus Christi Canal Company.

Upon motion of Senator Jowers, a bill supplemental to and amendatory of an act entitled "An act to incorporate the Jacksonville and Neches Bridge Company," approved January 26th, 1860, was taken up, read second time, and passed to its third reading; rule suspended, bill read third time, and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Boyd, Bumpass, Burney, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Neyland, Parker, Reed, Saufley, Selman, Shannon, Shelley, Truitt, Voigt and Yarbrow—24.

NAYS—None.

The hour having arrived for the consideration of the resolution in relation to adjournment of the Legislature, the resolution was taken up, with amendment recommended by the committee, in striking out "6th," and inserting "13th."

Adopted.

Upon motion of Senator Foscue, rule suspended, and a bill to incorporate the Planters' Cotton Press Company, was taken up, read second time, and passed to a third reading; rule further suspended, bill read third time, and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Boyd, Burney, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Knox, Littleton, Neyland, Parker, Reed, Saufley, Selman, Shannon, Shelley, Stell, Truitt and Voigt—22.

NAYS—None.

Upon motion of Senator Guinn, rule suspended, and a bill to prescribe the time of the biennial meeting of the Legislature, was taken up.

Senator Guinn moved to strike out "November," and insert "October;" upon which, the yeas and nays being called, the amendment was made by the following vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Burney, Coppedge, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Neyland, Parker, Saufley, Shelley, Stell, Truitt, Voigt and Yarbrow—20.

NAYS—Senators Bumpass, Cooley, Record, Reed and Shannon—5.

Bill read second time and passed to a third reading; rule suspended, bill read third time and passed.

Senator Parker made the following report:

Hon. G. W. Jones, President of the Senate:

The Committee on Enrolled Bills have examined the following, to-wit:

An act to provide for supplying the records of the County Clerk's and County Surveyor's office of Karnes and Erath counties, and find the same correctly enrolled and properly signed, and have presented the same to the Governor for his approval.

F. J. PARKER,

Chairman of Committee.

A message was received from the House announcing the passage of the following bills:

House bill making an appropriation to defray the contingent expenses of the Eleventh Legislature.

House bill to prohibit the sale of spirituous or vinous liquors within five miles of the public square in the town of Alvarado, in Johnson county.

House bill to regulate the time of holding elections.

House bill to incorporate the town of Orange, in the county of Orange, Texas.

House bill to authorize and require the Commissioner of the General Land Office to issue a certificate for one labor of land to the heirs of Jose Angel Navarro.

Senate bill to incorporate the Neches Navigation Company, with amendment by the House.

House bill to authorize and require the District Clerk of Shelby county to transcribe certain records belonging to his office.

ORDERS OF THE DAY.

The report of the Finance Committee, recommending that the relief asked for by citizens of Houston, San Patricio and Jefferson counties be not granted, was taken up, and adopted.

Senate bill to amend sections 5, 6, 7, 8, 9, 10 and 11, of an act to regulate fees of office, approved March 20th, 1848, was taken up, with the report of the Judiciary Committee recommending that the bill be not passed.

Senator Guinn moved the indefinite postponement of the bill and report; upon which the yeas and nays being called, the Senate refused to postpone by the following vote:

YEAS—Senators Blount, Brown, Bumpass, Foscue, Guinn, Littleton, Record, Reed and Truitt—9.

NAYS—Senators Braswell, Boyd, Cooley, Coppedge, Dalrymple, Jowers, McDade, Parker, Saufley, Selman, Shannon, Shelley, Stell, Voigt and Yarbrow—15.

Senator Stell moved to amend as follows :

"*Provided*, That the fees herein, are considered as fixed in currency."

Senator Boyd moved to amend the amendment as follows:

Strike out all except "District Clerks and Sheriffs."

Lost.

Senator Shelley offered the following as a substitute for the amendment :

"The increase in the fees of officers, as provided herein, is made upon the basis of United States currency, and where payments of fees are made in said currency, the amounts as herein fixed shall be paid, and where the same are paid in specie the fees as heretofore allowed by law, only shall be demanded."

Substitute adopted.

Question recurring upon the amendment as amended, the amendment was adopted.

Senator Record moved to strike out all pertaining to County Clerk.

Amendment withdrawn.

The question being upon the engrossment of the bill, upon which, Senator —— moved a call of the House.

Call ordered.

Pending the call, upon motion of Senator Knox, a Committee of Conference on part of the Senate was raised, to confer with a like committee on part of the House, upon the disagreement of the two Houses upon a bill to incorporate the New Braunfels Manufacturing Company.

The Chair announced Senators Knox and Shelley as the committee.

Senator Neyland reported as follows :

COMMITTEE ROOM, }
Nov. 5th, 1866. }

Hon. Geo. W. Jones, President of the Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed :

A bill to be entitled "An act to establish a Criminal Court in the city of San Antonio."

A bill to be entitled "An act for the relief of persons who settled on public lands prior to the 1st day of Jan., 1861."

A bill to be entitled "An act to provide for the compensation of jurors." Respectfully submitted.

W. M. NEYLAND,
Chair'n of Com. on Eng'd Bills.

COMMITTEE ROOM, }
Austin, Nov. 5, 1866. }

Hon. G. W. Jones, President of the Senate :

The Committee on Engrossed Bills have examined and find correctly engrossed :

A bill to be entitled "An act to amend article 529 of an act to adopt and establish a Penal Code for the State of Texas," approved August 26, 1856. Respectfully submitted.

W. M. NEYLAND,

Chair'n of Com. on Eng'd Bills.

Senator Shannon moved to take up a bill to provide for the assessing and collection of a tax on dogs.

Lost.

Senator Shelley, for the Committee on State Affairs, reports and recommends the passage of a House bill to incorporate the Austin City Water Works.

Senator Shelley introduced a bill to authorize and require the holding of a special term of the District Court of Bastrop county.

Bill read first time, rule suspended, bill read second time and ordered to be engrossed ; rule further suspended, bill read third time and passed.

Upon motion of Senator Blount the vote adopting the report of Committee of Conference, on a bill concerning the alienation of stock, and requiring butchers to report the marks and brands of animals slaughtered by them, to the Police Courts of their respective counties, was reconsidered.

Question being upon the adoption of the report, Senate refused to adopt the report.

Upon motion of Senator Blount a Committee of Free Conference was raised.

The Chair announced Senators Blount and Foscue as Committee on part of the Senate.

Senator Saufley introduced a bill to establish a Criminal Court in the city of Jefferson.

Bill read first time, rule suspended, read second time and ordered to be engrossed ; rule further suspended, read third time and passed.

Senator Neyland moved to suspend the call.

Senate refused to suspend.

Senator Knox introduced a bill supplementary to "An Act entitled an act to require the Judge of the Fourteenth Judicial District to hold a special term of the District Court of Bexar county," approved November 1st, 1866.

Bill read first time, rule suspended, read second time and ordered to be engrossed ; rule further suspended, read third time and passed.

Senator Stell introduced a bill to amend "An Act entitled an act to establish a Penal Code," approved August 26, 1856."

Bill read first time, rule suspended, read second time and ordered to be engrossed ; rule further suspended, read third time and passed.

Upon motion of Senator Guinn the vote just taken, passing the bill, was reconsidered.

Upon motion of Senator Shelléy, the word "knowingly," was inserted between the words "or" and "permit."

Bill as amended read third time and passed.

Upon motion of Senator Parker rule was suspended, and a bill supplementary to a bill to incorporate the Brownsville Bridge Company, was taken up, and upon motion of Senator Shelley, the bill was made the special order for to-night at 8 o'clock.

Senator Neyland moved a suspension of the call.

Call suspended.

Upon motion of Senator Neyland, Senator Nelson was excused from attendance on the Senate for the day.

The question recurring upon the engrossment of a bill relating to an increase of the fees of officers.

Senator Guinn moved a call of the House.

Call ordered.

Pending the call, upon motion of Senator Knox rule was suspended and a bill making provision for the translation and printing of certain general laws into the Spanish and German languages, with the report of Committee on printing, recommending an amendment, was taken up.

Senator Neyland moved to amend by adding the word "French," after the word "German."

Amendment made.

Senator Record moved to amend by adding "Norwegian," after "French."

Pending the adoption of which, upon motion of Senator Guinn, the Senate adjourned until 7½ o'clock this evening.

SENATE CHAMBER, }
7 o'clock, p. m., Nov. 5, 1866. }

Senate met pursuant to adjournment.

Roll called—quorum present.

Question pending at adjournment was the adoption of the amendment offered by Senator Record to the Committee amendment.

Amendment made.

Question recurring upon the amendment of the Committee as amended, and being divided, the question being to strike out "two," upon which the yeas and nays being called, the Senate refused to strike out, by the following vote :

YEAS—Senators Blount, Brown, Bumpass, Coppedge, Foscue, Guinn, Neyland, Record, Reid, Stell and Truitt—11.

NAYS—Senators Braswell, Boyd, Cooley, Jowers, Knox, Littleton, McDade, Parker, Shannon, Shelley, Voigt and Yarbrow—12.

Senator Reed moved to postpone the bill indefinitely.

Motion lost.

Senator Neyland moved a call of the Senate.

Senate refused to sustain the call.

Question recurring upon the motion to add "French and Norwegian," upon which the yeas and nays being called, the amendment was made by the following vote :

YEAS—Senators Braswell, Bumpass, Burney, Knox, Littleton, McDade, Neyland, Parker, Record, Reed, Saufley, Selman, Shannon, Shelley, Stell, Truitt, Voigt and Yarbrow—18.

NAYS—Senators Blount, Brown, Cooley, Coppedge and Guinn—5.

Bill as amended read second time and passed to its third reading.

Senator Knox moved to amend as follows :

"Provided that the number of copies to be printed in German, Spanish, French and Norwegian languages, shall be distributed by the Governor in proportion to the number of voters of each class."

Amendment made.

Yeas and nays being called, the bill as amended was passed by the following vote :

YEAS—Senators Braswell, Boyd, Bumpass, Burney, Cooley, Knox, Littleton, McDade, Neyland, Parker, Record, Shannon, Shelley, Stell, Truitt, Voigt and Yarbrow—17.

NAYS—Senators Blount, Brown, Coppedge, Foscue, Guinn, Reed, Saufley and Selman—8.

Senator Shelley, Chairman of Select Committee, to whom was referred a bill to provide means for the defence of the Frontier, reported bill back, and recommended the adoption and passage of a substitute.

Upon motion of Senator Shannon, bill and report taken up, and substitute adopted.

Senator Guinn moved to strike out "eighty" and insert "ninety."

Lost.

Senator Bumpass moved to strike out the words "Auditoria Board," and insert "Comptroller."

Amendment withdrawn.

Senator Guinn moved to add: "To take effect from and after its passage."

Amendment made.

Bill as amended, read second time and passed to a third reading; rule suspended, read third time, and the yeas and nays being called, passed by the following vote:

YEAS—Senators Braswell, Blount, Bumpass, Burney, Cooley, Coppedge, Guinn, Littleton, McDade, Neyland, Parker, Record, Reed, Sautley, Shannon, Shelley, Stell, Truit, Voigt and Yarbrow—20.

NAYS—Senators Brown and Foscue—2.

Senator Neyland, Chairman of the Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
November 5, 1866. }

Hon. G. W. Jones, President of the Senate :

The Committee on Engrossed Bills have examined and find correctly engrossed :

A bill to be entitled "An act to establish a Criminal Court in the city of Jefferson." Respectfully Submitted.

W. M. NEYLAND,
Chairman Committee on Engrossed Bills.

COMMITTEE ROOM, }
Austin, November 5, 1866. }

Hon. G. W. Jones, President of Senate :

The Committee on Engrossed Bills, have examined and find correctly engrossed:

A bill to be entitled "An act to amend an act to establish a Penal Code, approved 26th August, 1856. And

A bill to be entitled "An act supplementary to an act entitled an act to require the Judge of the 14th Judicial District to hold a special term of the District Court of Bexar county, approved November 1, 1866." Respectfully submitted.

W. M. NEYLAND,
Chairman Committee on Engrossed Bills,
Senator Sautley, for the Committee on Internal Improvements,

reported a substitute for the bill authorizing the State of Texas to guarantee, the bonds of the Memphis, El Paso and Pacific Railroad Company; Columbus, San Antonio and Rio Grande Railroad Company; Houston and Texas Central Railroad Company, and the Air Line Railroad Company.

Upon motion of Senator Guinn, bill and report taken up, and made the special order for 11 o'clock, Wednesday morning.

Upon motion of Senator Truitt, a bill to authorize and require the District Clerk of Shelby county, to transcribe certain records belonging to said office, was taken up, rule suspended, bill read second time and passed to a third reading; rule further suspended, bill read third time and passed.

Senator Guinn made the following report.

Hon. G. W. Jones, President of the Senate :

The Finance Committee to whom was referred a House bill to be entitled "An act to authorize the reception of Treasury Warrants for land dues in certain cases," have duly considered the same, and have instructed me to report the same to the Senate and ask that no action be had upon the same, because the bill passed this day by the Senate authorizing the Governor to issue the bonds of the State under certain circumstances, dispenses with the necessity of the passage of the bill.

R. H. GUINN, Chairman.

Upon motion of Senator Record, a bill to incorporate the Kaufman Male Academy, was taken up, read second time and passed to a third reading; rule suspended, bill read third time and passed by the following two-thirds, vote :

YEAS—Senators Braswell, Blount, Brown, Bumpass, Burney, Cooley, Coppedge, Guinn, Knox, Littleton, McDade, Neyland, Parker, Record, Reed, Saufley, Selman, Shelley, Stell, Truitt, Voigt and Yarbrow—22.

NAYS—None.

A message was received from the House, announcing the passage of the following bills:

House bill to incorporate the Houston Scientific Institute.

Senate bill amendatory of an act, to punish certain offences committed on Sunday, approved 16th December, 1863.

Senator Neyland reported as follows :

COMMITTEE ROOM, }
Austin, Nov. 5, 1866. }

Hon. G. W. Jones, President of the Senate :

The Committee on Engrossed Bills have examined and find correctly engrossed:

A bill to be entitled "An act to authorize and require the

holding of a special term of the District Court of Bastrop county."

Respectfully submitted,

W. M. NEYLAND,

Chairman Committee Engrossed Bills.

The hour having arrived for the consideration of the special order, viz:

A bill supplementary to an act to incorporate the Brownsville Bridge Company, bill taken up, and amendments recommended by the Committee on Roads, Bridges and Ferries adopted.

Senator Parker moved to amend as follows:

"Strike out all after the word 'to,' in the seventeenth line of section 1st, to the end of the section, and insert 'a ferry landing within the corporate limits of said city.'"

Amendment made.

Bill as amended, read second time and ordered to be engrossed.

Upon motion of Senator Blount, rule was suspended, and a bill amendatory of and supplemental to an act entitled "An act to adopt and establish a Penal Code for the State of Texas," taken up, and the amendments recommended by the Judiciary Committee adopted.

Upon motion of Senator Guinn, "twenty" was stricken out and "ten" inserted; bill as amended read second time and passed to a third reading; rule further suspended, read third time and passed.

Upon motion of Senator Voigt, the Senate adjourned until to-morrow morning 9½ o'clock.

SENATE CHAMBER, {
Nov. 6, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Yarbrough made the following report:

Hon. G. W. Jones, President of the Senate:

The Committee on Commerce and Manufactures, to whom was referred a bill to be entitled "An act for the relief of J. W. Vineyard and his assigns, having examined the same, the committee have instructed me to report the bill back to the Senate, with the following amendment:

Amend 2d section by striking out all after the word "State,"